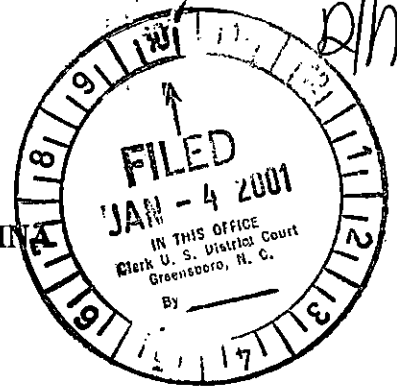


29

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA



UNITED STATES OF AMERICA :

VS.

JAMES ANTHONY SAVAGE, also known	:	1:01 CR 362-1
as Mario J. Racanelli, John Racanelli, Mark	:	
Racanelli, Grandoni Egistot, Egisto Grandoni,	:	
Robert Toliano, M. John Delano, Greg Eric	:	
Masonotti, and Max Marrache	:	
MARGARET NATHALIE HANDSMAN,	:	1:01 CR 362-2
also known as Marnie Handsman, Margaret	:	SUPERSEDING
Racanelli, and Marnie Racanelli	:	

\*\*\*\*\*

**MOTION TO SUPPRESS RECORDED PHONE CONVERSATIONS**

**BETWEEN MR. SAVAGE AND MS. JEAN FOSTER**

NOW COMES the defendant, James Anthony Savage, by and through counsel and respectfully moves this Honorable Court to enter an Order prohibiting the government from introducing into evidence recorded phone conversations that allegedly took place between James Savage and Ms. Jean Foster. As grounds for said Motion the defendant respectfully shows the following:

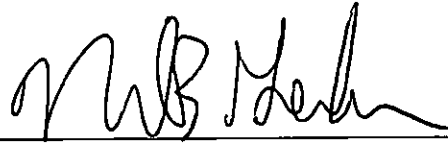
1. James Anthony Savage and Margaret Nathalie Handsman are presently under indictment for alleged fraudulent activity taking place from on, about or before November of 1996 through October of 2000.
2. The indictment alleges thirty two counts, both defendants are named in all but Counts

Thirty and Thirty-One, said counts naming only defendant Savage.

3. The crux of the government's allegations is the alleged swindling of various people, including Ms. Jean Foster, a resident of the Middle District of North Carolina.
4. On or about September 1999 Ms. Jean Foster contacted law enforcement personnel regarding someone she knew as "Mario Racanelli." Ms. Foster had become suspicious of "Racanelli" (who is the defendant James Savage) and sought help from the Winston-Salem Police Department.
5. The police responded and ultimately Ms. Foster was interviewed by various agents of local and federal law enforcement agencies. The interviews were extensive and Ms. Foster ostensibly attempted to assist the authorities in their investigation into defendant Savage's activities.
6. Following several of these interviews with law enforcement authorities Ms. Foster taped several phone conversations between herself and defendant Savage.
7. Based on Title 18 U.S.C. § 2511(d) and § 2515 the **interceptions** made by Ms. Jean Foster were obtained in violation of existing federal law and are accordingly inadmissible in the trial of the above captioned case.
8. The aforementioned recordings were obtained in violation of the defendant's rights as guaranteed by the Fourth and Fifth Amendments to the United States Constitution.

WHEREFORE the defendant Savage respectfully moves that this court enter an Order suppressing the introduction into evidence of the aforementioned recordings at the trial of the above captioned case.

This the 3rd day of January, 2002.

A handwritten signature in black ink, appearing to read 'Nils E. Gerber', written over a horizontal line.

Nils E. Gerber  
State Bar Number 17421  
200 Brookstown Avenue, Suite 304  
Winston-Salem, N.C. 27101  
336-748-1400

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA**

UNITED STATES OF AMERICA

:

VS.

JAMES ANTHONY SAVAGE, also known  
as Mario J. Racanelli, John Racanelli, Mark  
Racanelli, Grandoni Egistot, Egisto Grandoni,  
Robert Toliano, M. John Delano, Greg Eric  
Masonotti, and Max Marrache  
MARGARET NATHALIE HANDSMAN,  
also known as Marnie Handsman, Margaret  
Racanelli, and Marnie Racanelli

:  
:  
:  
:  
:  
:  
:  
:  
:  
:

1:01 CR 362-1

1:01 CR 362-2

SUPERSEDING

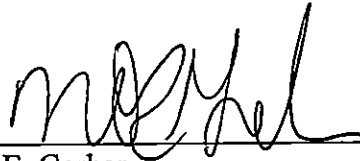
\*\*\*\*\*

**CERTIFICATE OF SERVICE**

This is to certify that the undersigned, on the 3<sup>rd</sup> day of January, 2002 served the  
attached MOTION TO SUPPRESS RECORDED PHONE CONVERSATIONS BETWEEN  
MR. SAVAGE AND MS. JEAN FOSTER to the following person named below and by  
depositing said envelope and its contents in the United States mail:

Cliffon Barrett  
Assistant United States Attorney  
Post Office Box 1858  
Greensboro, N.C. 27402

This the 3<sup>rd</sup> day of January, 2002.



Nils E. Gerber  
State Bar Number 17421  
200 Brookstown Avenue, Suite 304  
Winston-Salem, N.C. 27101  
336-748-1400